



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

RECORD OF DECISION

for

CALIFORNIA DESERT CONSERVATION AREA PLAN AMENDMENT

and

YUMA DISTRICT RESOURCE MANAGEMENT PLAN AMENDMENT

and

RIGHT-OF-WAY GRANT

for the

NORTH BAJA PIPELINE PROJECT

**Riverside and Imperial Counties, California
La Paz County, Arizona**

Lead Agency:
Bureau of Land Management

*Cooperating Agency
Bureau of Reclamation*

BLM Case File No. CA-42662

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EXECUTIVE SUMMARY

This document constitutes the Record of Decision (ROD) of the Department of the Interior (DOI) and the Bureau of Land Management (BLM) for the North Baja Pipeline (NBP). This ROD includes both plan amendment and right-of-way grant decisions. Amendments of both the California Desert Conservation Area (CDCA) Plan to allow an exception to the energy production and utility corridors element for NBP facilities and the Yuma District Resource Management Plan (Yuma RMP) to allow for a single utility crossing the Milpitas Wash Special Management Area (SMA) for NBP facilities were considered concurrently with the review of the proposed NBP. The ROD is prepared in accordance with the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA) as well as the Mineral Leasing Act (MLA) and other applicable Federal laws and regulations.

After extensive environmental analysis, consideration of public comments, and application of pertinent Federal laws and policies, it is the decision of the Department of the Interior and the BLM to amend the CDCA Plan's energy production and utility corridors element, to amend the Yuma RMP to allow for a single utility crossing the Milpitas Wash SMA, and to authorize a right-of-grant and temporary use permit (TUP) for the construction, operation, maintenance, and termination of a natural gas pipeline on an alignment identified as the environmentally preferable project in the Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) published on January 11, 2002, and displayed in Figure 1 attached. The FEIS/EIR is available online at <<http://www.ferc.gov>> or <<http://www.slc.ca.gov>>.

Project Description: The NBP Project is a proposal of the North Baja Pipeline LLC (NBP-LLC) to construct and operate approximately 80 miles of 36- and 30-inch diameter pipeline, a new 21,600-horsepower compressor station, two new meter stations, and related facilities to provide natural gas service to customers in the southwestern United States and northern Mexico. The NBP would transport up to 500 million cubic feet per day of natural gas from a proposed interconnect with an existing El Paso Natural Gas Company pipeline in Ehrenberg, Arizona, to the United States/Mexico border where it would interconnect with a new pipeline, Gasoducto Bajanorte, currently under construction by Sempra Energy Mexico.

Of the above, approximately 48 miles of the main pipeline and some of the

ancillary facilities will be located on Federal lands managed by either the Bureau of Land Management, U. S. Fish & Wildlife Service (FWS), or the Bureau of Reclamation (BOR). Therefore, the NBP will require a right-of-way grant and TUP from the BLM to authorize its use of those lands. The right-of-way for the pipeline alignment will be 50 feet wide and contain approximately 303 acres. Except for the Ogilby Meter Station, the related facilities will be located within the 50' width. The Ogilby Meter Station is 200' by 200' and contains approximately 1 acre. The areas encumbered by access roads contain an additional 50 acres, approximately. The right-of-way grant would terminate 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of that grant or of any applicable Federal law or regulation.

A temporary use permit will authorize the use of an additional 30 feet in width in addition to the pipeline right-of-way width for the full length of the right-of-way, and also authorizes use of other temporary use areas such as temporary construction access roads and extra work areas, as depicted on the environmental alignment sheets in NBP's Plan of Development (POD), dated February of 2002. A POD is used by BLM to ensure that construction plans mitigate the resource concerns and, when approved by the authorized officer, will become a binding requirement of the right-of-way grant. The temporary use permit area contains approximately 195 acres. The temporary use areas and access roads are for use and occupancy during the construction and restoration phases. The temporary use permit will terminate one year from the effective date of the right-of-way grant, unless prior thereto, it is relinquished, terminated or modified.

At three locations, the pipeline will be located outside of a designated utility corridor. BLM was required to consider an amendment to (1) the CDCA Plan to allow an exception to the energy production and utility corridors element of that plan, and (2) the Yuma RMP to allow for a single utility crossing the Milpitas Wash SMA. Approximately 20 miles of the environmentally preferable route will be outside of a utility corridor under the CDCA Plan, and approximately 2 miles of the environmentally preferable route will require a plan amendment to the Yuma RMP.

Need for the Project: The NBP would provide up to 500 million cubic feet of natural gas per day to customers located in southwestern United States and northern Mexico. NBP is the U. S. portion of an integrated U.S.-Mexico pipeline

being constructed to meet the requirements of the rapidly growing market for natural gas service in that area. NBP-LLC has stated that it has long-term agreements in place for 100% of its pipeline capacity starting in January 2004.

Plan Amendment and Environmental Review Process: BLM must comply with the planning provisions of section 202 of FLPMA as well as the implementing regulations for planning found in 43 Code of Federal Regulations (CFR) subparts 1601 and 1610 in considering amendments to land use plans. Planning requirements are integrated with the requirements for environmental review under NEPA. The Federal Energy Regulatory Commission (FERC) served as the Federal lead agency under NEPA for consideration of NBP, and CDCA Plan and Yuma RMP amendments. The California State Lands Commission (CSLC) served as the lead agency pursuant to the California Environmental Quality Act (CEQA). The proposed pipeline project and the two plan amendments were analyzed in a jointly prepared EIS/EIR in compliance with NEPA and CEQA requirements, respectively. BLM and BOR were cooperating Federal agencies, providing information, analysis, and comment. The NEPA process included public scoping, a Draft EIS/EIR (DEIS/EIR), and a Final EIS/EIR (FEIS/EIR), which are hereby incorporated by reference into this ROD.

Public Involvement: Public review and comment on the NBP was extensive. Public scoping, including two public meetings, initiated the public review process. The combined comment periods on the DEIS/EIR and BLM's proposed plan amendments totaled approximately five and a half months. FERC and CSLC held four public meetings and received 62 letters and/or comments. All public comments received were carefully analyzed and agency responses are included in the FEIS/EIR. As described further in this document, two protests to BLM's proposed plan amendments were received and carefully analyzed by the BLM's Director/Assistant Director.

Consultation with Other Agencies: In addition to BLM and BOR, which served as official EIS/EIR cooperators, FERC and CSLC also coordinated and consulted with the U.S. Environmental Protection Agency, FWS, U.S. Army Corps of Engineers, California Department of Fish and Game, Arizona Game and Fish Department, and the Counties of La Paz, Arizona, and Riverside and Imperial, California.

Decision Rationale: As described further in this ROD, the decisions to: (1) amend the CDCA Plan to allow an exception to the energy production and utility corridor element of that plan, (2) amend the Yuma RMP to allow for a single utility crossing the Milpitas Wash SMA, and (3) issue a right-of-way grant and a temporary use permit to NBP-LLC for the construction, operation, maintenance, and termination of the pipeline, ancillary facilities, and access roads across federal lands reflect careful consideration and resolution of the issues by BLM and the Department of the Interior that have arisen in the NBP environmental review process.

These decisions fulfill both the spirit and legal requirements for managing federal lands. Granting a right-of-way to NBP-LLC contributes to the public interest in a stable natural gas supply for southwestern United States and northern Mexico. The terms and conditions, as described in Appendix A, ensure that authorization of the NBP will protect environmental resources and comply with environmental standards. These decisions reflect the careful balancing of the many competing public interests in managing the federal lands for public benefit.

These decisions are based on a comprehensive environmental analysis and full public involvement. FERC and CSLC have engaged highly qualified technical experts to analyze the environmental effects of the NBP project. Members of the public have contributed to the analysis and consideration of the many environmental issues arising out of the environmental review process. FERC, CSLC, BLM, BOR, FWS, and DOI have used their expertise and existing technology to address the important issues of environmental resource protection.

BLM and DOI have determined that the measures contained in the FEIS/EIR and the Biological Opinion significantly minimize and/or mitigate environmental damage and protect public environmental resources. The terms and conditions incorporated in this ROD comply with all the objectives and standards that both MLA and FLPMA provide for decisions on the granting of rights-of-way.

I. DECISIONS

A. Decision to Amend CDCA Plan

After considering the full agency and public record for the CDCA Plan amendment and NBP, I have determined that the plan amendment is warranted and in the public interest. The plan amendment is necessary for the issuance of a right-of-way grant and temporary use permit to NBP-LLC.

In accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the regulations implementing the Act's land use planning provisions (43 CFR subparts 1601 and 1610), section 102(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the regulations of the Council on Environmental Quality implementing NEPA (40 CFR parts 1500-1508), I approve the following:

An amendment to the California Desert Conservation Area Plan for an exception to the energy production and utility corridors element of the Plan, thereby allowing the issuance of a right-of-way grant and temporary use permit to NBP-LLC for construction, operation, maintenance, and termination of the pipeline, ancillary facilities, and access roads on Federal lands administered by the Bureau of Land Management. A map depicting the approved exception alignment is shown as Figure 1.

Approved By:


acting Mike Pool
California State Director
Bureau of Land Management

4/18/02
Date

B. Decision to Amend Yuma RMP

After considering the full agency and public record for the Yuma RMP plan amendment and NBP, I have determined that the plan amendment is warranted and in the public interest. The plan amendment is necessary for the issuance of a right-of-way grant and temporary use permit to NBP-LLC.

In accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the regulations implementing the Act's land use planning provisions (43 CFR subparts 1601 and 1610), section 102(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the regulations of the Council on Environmental Quality implementing NEPA (40 CFR parts 1500-1508), I approve the following:

An amendment to the Yuma District Resource Management Plan to allow for a single utility crossing the Milpitas Wash Special Management Area, thereby allowing the issuance of a right-of-way grant and a temporary use permit to NBP-LLC for construction, operation, maintenance, and termination of the pipeline, ancillary facilities, and access roads on Federal lands administered by the Bureau of Land Management. A map depicting the approved exception alignment is shown as Figure 1.

Approved By:



for Denise Meridith
Arizona State Director
Bureau of Land Management

4/19/02

Date

C. Decision to Issue Right-Of-Way Grant for North Baja Pipeline Project

After considering the full agency and public record for the application for a right-of-way grant and temporary use permit, I have determined that BLM shall proceed with implementation of the North Baja Pipeline Project subject to the terms and conditions contained in this Record of Decision and attached hereto. Although BLM will not physically build and operate the NBP Project, it will continue to have responsibility for overseeing its implementation on public lands and protecting public resources. BLM will continue working closely with NBP-LLC, other Federal and State agencies involved in the NBP Project, and the Counties of Riverside and Imperial, California, and La Paz, Arizona, to ensure protection of the public interest.

In accordance with section 102(c) of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.), the regulations of the Council on Environmental Quality that implement NEPA (40 CFR parts 1500-1508), the Mineral Leasing Act (30 U.S.C. §§ 185), and the regulations implementing that Act (43 CFR Subpart 2880), **the following action will be taken:**

a right-of-way grant and temporary use permit will be issued to North Baja Pipeline LLC for construction, operation, maintenance, and termination of the pipeline, ancillary facilities, and access roads of the North Baja Pipeline Project across Federal lands administered by the BLM, BOR, and FWS.

The right-of-way grant is for a 50-foot wide right-of-way. This right-of-way, subject to terms and conditions contained in the right-of-way grant and POD, will terminate 30 years from the effective date of the grant, unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of the grant or of any applicable Federal law or regulation. The grant is subject to renewal. If renewed, the right-of-way grant shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the Federal authorized officer deems necessary to protect the public interest. The temporary use permit authorizes use of an additional 30 feet in width in addition to the pipeline right-of-way for the full length of the right-of-way, and also authorizes use of other temporary use areas such as temporary construction access roads and extra work areas, as depicted on the environmental alignment sheets in the Plan of Development. This permit will terminate one year from the date of the grant, unless prior thereto, it is relinquished, abandoned, terminated, or modified.

The approved route is shown on the map displayed in Figure 1 and described in detail in the FEIS/EIR. NBP-LLC shall comply with the terms and conditions set forth in Appendix A of this ROD and in the right-of-way grant for the NBP Project. Also NBP-LLC shall comply with the Biological Opinion issued by the FWS. The Biological Opinion is set forth in its entirety in Appendix D of the Plan of Development. Both the Plan of Development and the Biological Opinion are incorporated herein by this reference.

Approved by:

Rebecca W. Watson

Assistant Secretary - Land and Minerals Management
Department of the Interior

4-19-02

Date

II. AUTHORITY

The Mineral Leasing Act (30 U.S.C. 185) authorizes the Secretary to issue rights-of-way across federal lands for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined products therefrom.

FLPMA establishes policies and procedures for management of public lands. In section 102(a)(8), Congress declared that it is the policy of the United States that:

the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use (43 U.S.C. 1701(a)(8)).

Section 202 of the FLPMA and the regulations implementing the Act's land use planning provisions (43 CFR subparts 1601 and 1610) provide a process and direction to guide the development, amendment, and revision of land use plans for the use of the public lands.

Section 102(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the regulations of the Council on Environmental Quality implementing NEPA (40 CFR parts 1500-1508) provide for the integration of NEPA into agency planning to insure appropriate consideration of NEPA's policies and to eliminate delay.

III. RATIONALE

The decisions to approve the CDCA and Yuma RMP plan amendments and to issue the right-of-way grant and TUP for the proposed NBP Project are based on a thorough review and consideration of the analyses contained in the FEIS/EIR for the project and the public comments received during the NEPA and plan amendment process. Mitigation measures have been adopted to ensure that all practicable means to avoid or minimize environmental harm have been incorporated into the preferred alternative. BLM has concluded that the NBP Project, as structured in the preferred alternative with all specified terms and

conditions, is the environmentally preferred project alternative.

The majority of the comments and concerns about the project focused on alternatives analysis, geologic hazards, water and wetland resources, vegetation, wildlife, special status species, biodiversity, weed control, cultural resources, socio-economics, transportation, agricultural practices, air quality, cumulative impacts, and pipeline safety. Other issues raised by the BLM and other agencies are land use classifications, including the Milpitas Wash SMA, visual impacts, and potential for off-highway vehicle (OHV) route proliferation.

With respect to the route for the pipeline and ancillary facilities, comments focused primarily on concerns about deviations from the utility corridors designated in the CDCA Plan and concerns about new utilities in the Milpitas Wash SMA. However, it has been determined that of all of the route alternatives, the environmentally preferable alternative, as set forth in the FEIS/EIR at pages ES-12 and 7-2, best accomplishes the NBP Project objectives with the least environmental effects.

The major management considerations, which include environmental and administrative factors, are presented below. Resolution of these management issues is integral to this ROD and is reflected in the terms and conditions contained in the right-of-way grant, TUP, and POD.

Amendments to the CDCA Plan and Yuma RMP are Warranted: Proposed actions on lands administered by the BLM must be in conformance with the approved land use plan (43 CFR 1610.5-3). The CDCA Plan of 1980, as amended, and the Yuma RMP are the applicable land use plans for the NBP Project. Both plans are comprehensive land use management plans that provide for multiple uses of the public lands and resources in the plan area, including consumptive uses, preservation, and conservation. Both of them identify economic, educational, scientific, and recreational uses for this land which enhance, wherever possible, the environmental, cultural, and aesthetic values of the Desert and its future productivity.

Since it was adopted in 1980, the CDCA Plan has been amended many times, but its goal to provide for desert conservation has remained unchanged. The CDCA Plan has several elements, one of which is the energy production and utility corridors element. The energy production and utility corridors element provides

that pipelines of greater than 12-inches diameter are to be built within a designated planning corridor, to the extent practical. An alternative was considered which would have placed the NBP Project pipeline within the designated utility corridors presently existing in the area to the maximum extent possible. However, the degree of environmental impact from that alternative and the difficulties in construction of the pipeline were found to be unacceptable (see discussion below for further elaboration on alternative alignments). An amendment of the CDCA Plan to allow an exception to the utility corridor element for NBP Project facilities was considered concurrently with the review of the proposed NBP Project.

Since it was adopted in 1985, the Yuma RMP has been amended many times, but its goal of balancing competing demands of resource development and protecting important and sensitive management values has remained unchanged. Both the Yuma RMP and the Milpitas Wash Wildlife Habitat Management Plan, implemented by the El Centro Field Office in 1986, identify special management areas in the vicinity of the Milpitas Wash. In general, the management objective of both plans calls for consolidation, protection, and enhancement of wildlife habitat and habitat for plants of special management concern. The NBP Project includes conservation measures for protecting wildlife and special status plants that are generally consistent with objectives of the management plans for the Milpitas Wash area. However, the Yuma RMP prohibits new utilities or rights-of-way across the Milpitas Wash SMA. BLM proposes to amend the Yuma RMP to allow for a single utility crossing the Milpitas Wash SMA. This is an one-time exception for the NBP project and does not constitute a permanent change to the Yuma RMP.

Restoration/Protection Measures in the Milpitas Wash Special Management

Area: To minimize impacts within the Milpitas Wash SMA where the pipeline would cross areas of dense desert wash woodland, the construction work area will be reduced from 80 to 50 feet wide to minimize impact to microphyll woodland. In addition, NBP-LLC will purchase microphyll woodland habitat land at a ratio of five acres for every acre of this type of habitat disturbed.

After construction NBP-LLC will implement the Construction, Mitigation and Restoration Plan, contained in Appendix M of the POD, in the Milpitas Wash Special Management Area. The CM&R Plan, prepared after extensive literature review and consultation with the BLM and local agency experts, focuses on erosion control, topsoil retention, respreading of topsoil and native vegetative material, limited grubbing of native plant stock, and imprinting of the surface. Specific

measures include:

- Emphasizing final site preparation to encourage natural revegetation
- Avoiding native mature trees to the extent practical
- Reserving surface soil and plant material from the right-of-way before grading, and respreading this material over the right-of-way upon completion of construction
- Salvaging large woody debris to be respread on the restored corridor
- Imprinting the restored right-of-way to create indentations that will catch seed and water
- Preventing the spread of noxious weeds and other undesirable species through pre-construction weed surveys and equipment washdowns
- Post-construction monitoring of vegetation success for ten years
- Annual post-construction monitoring for noxious weeds along the right-of-way

In addition, NBP will implement measures to block or restrict unauthorized off-highway vehicle access down the pipeline right-of-way at key locations, where it crosses the Milpitas Wash SMA, including at Milpitas Wash itself. Site-specific blocking measures include berms, transplanting of desert wash trees or cacti, and respreading of woody debris on the right-of-way.

NBP Project Will Help Meet Need for Additional Natural Gas Supplies: The need for the NBP Project was a consideration in this ROD. The NBP would provide up to 500 million cubic feet of natural gas per day to customers located in the southwestern United States and northern Mexico. The NBP project is the U. S. portion of an integrated U.S.-Mexico pipeline being constructed to meet the requirements of the rapidly growing market for natural gas service in that area. NBP-LLC has stated that it has long-term agreements in place for 100% of its pipeline capacity starting in January 2004. The public benefits of the NBP Project are compelling reasons for the Department of the Interior to cooperate to the greatest extent possible in assisting California and Mexico in meeting their natural gas supply goals.

An Adequate Array of Route and Location Alternatives Is Addressed:

Concerns were raised that an insufficient or inadequate array of alternatives were considered in the analysis of routes and site locations. Ensuring that appropriate and reasonable alternatives were considered was an important factor in the

decision-making process. The proposed action, the no action alternative, 3 system alternatives, a total of 13 route alternatives, 5 route variations, and 2 site alternatives were evaluated during the environmental review process. Nine route alternatives and 5 route variations were analyzed in detail, as discussed below. It was determined that the proposed route with the incorporation of the Eastside Alternative (including the visual variation) and the Cibola variation was the environmental preferable alternative.

Impacts Related to Topography, Geology, Soils, and Seismicity Will Be Mitigated to Insignificant Levels: Geologic hazards such as seismicity, soil liquefaction, subsidence, and landslides could threaten the integrity of the pipeline facilities. However, those risks are minimal. NBP-LLC would construct and test the pipeline facilities to meet or exceed U. S. Department of Transportation construction and safety standards outlined in 49 CFR Part 192, *Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards*. There is a potential for soil liquefaction to occur at three sites, but implementation of mitigation measures would reduce those potential impacts to less than significant levels. Potential for soil erosion or compaction will be alleviated by the implementation of mitigation measures. Substantial topographic alterations will not be required for the project.

Aesthetic Impacts Will Be Minimized: Aesthetic impacts were a consideration in this ROD. Visual impacts of the project would be greatest where blasting is necessary to install the pipeline, at aerial crossings, and at the above ground facility sites. The environmentally preferable project route would eliminate or greatly minimize the visual impacts associated with blasting and aerial crossings. As a result, visual impacts would be less than significant.

The visual impacts resulting from the above ground facilities will be lessened by their siting, locating as much of the facilities below ground as possible, and painting the structures so they would blend with the surrounding landscapes. The proposed mitigation measures would reduce the visual impacts of the above ground facilities to less than significant levels.

View changes as a result of construction of the NBP Project will result from disturbance of native vegetation, which will take a substantial period of time to reestablish and mature. However, these view changes will only be noticeable from nearby lands and eventually will mature enough to render the area disturbed

indistinguishable from the surrounding landscape.

Measures Are Adopted to Minimize Impacts to Threatened and Endangered Species and Other Species of Concern: Impacts to threatened and endangered species and other species of concern were a consideration in this ROD.

Construction of the NBP Project would impact 766 acres of habitat for the threatened desert tortoise temporarily, and mitigation measures to avoid and minimize potential impacts to the desert tortoise have been required. The NBP Project would also impact the Yuma Clapper Rail, Southwestern Willow Flycatcher, and Flat-tailed Horned Lizard. A Biological Opinion has been provided by the FWS on the NBP Project, and terms and conditions of that Biological Opinion, in regards to all four species, are incorporated into stipulations for the right-of-way grant and temporary use permit for the NBP Project. Additionally, mitigation measures have been required to aid in the reestablishment of impacted habitat after construction activities are completed. The Biological Opinion is set forth in its entirety in Appendix D of the Plan of Development.

The North Baja Pipeline project will impact approximately 766 acres of habitat of desert tortoise, flat-tailed horned lizard, and species dependent on microphyll woodland. Compensation for impacts to habitat value will be accomplished by NBP-LLC entering into an agreement with BLM and the California Department of Fish and Game to either fund the purchase of or acquire and deed a total of 2,589 acres of lands (of which 64% or 1,657 acres will be paid to the BLM). In the conclusion of the Biological Opinion, FWS states “it is our biological opinion that construction and operation/maintenance of NBP, as proposed, is not likely to jeopardize the continued existence of these species... and does not adversely modify critical habitat” of the desert tortoise.

It has also been determined in accordance with Section 7(d) of the Endangered Species Act, that this ROD avoids making any irreversible or irretrievable commitment of resources which would foreclose any reasonable and prudent alternatives pending completion of consultation with the FWS on the impacts of the CDCA Plan on affected threatened or endangered species.

Forty-eight other special status species were identified by BLM, CDFG, and the Arizona Department of Game and Fish as potentially occurring in the general vicinity of the project. Based on the results of habitat evaluations and species-specific surveys provided by NBP-LLC, 27 special status species potentially occur

in the area that would be impacted by construction of the project. NBP-LLC developed a series of general and species-specific conservation measures that would allow the project to avoid, minimize, or compensate for project impacts on these species.

Air Quality Impacts Are Determined In Conformity with the Clean Air Act:

Air quality impacts and conformance with the Clean Air Act were a consideration in this ROD. Elevated emissions of carbon monoxide, oxides of nitrogen, sulfur dioxide, volatile organic compounds and particulate matter are anticipated during construction activities on the NBP Project. Mitigation measures have been developed to reduce those emissions. Consequently, FERC anticipates that the NBP Project would not contribute significantly to a cumulative adverse effect on the region's environment and has determined that it would result in an overall net reduction in air pollution emissions in the region.

Adverse Impacts Avoided to Cultural Resources, Native American Traditional Cultural Values and Sacred Sites, and Historic Properties Are Adequately Considered and Protective Measures Adopted:

Impacts to identified cultural resources, Native American traditional cultural values and sacred sites, and historic properties were a consideration in this ROD. Of the 128 cultural sites identified in the Area of Potential Effect for the project, 37 would not be affected because they are outside of the construction corridor or they were evaluated as not being eligible for listing on the National Register of Historic Places (NRHP). The remaining 91 sites were evaluated for their eligibility for listing, and 41 were recommended as not eligible, 4 as potentially eligible, and 46 as eligible for listing on the NRHP. Adverse effects to documented historic properties eligible for the NRHP will be minimized consistent with the approved cultural resources reports, testing and evaluation reports, and treatment plans, which have been approved by the California State Historic Preservation Office (SHPO). The Arizona SHPO has concurred that no historic properties are affected by the project in Arizona. FERC, NBP, BLM, and California SHPO have approved a Memorandum of Agreement, which details the procedures that will be followed during the construction and operation of the project, to ensure that cultural and historic properties are protected. Fewer cultural sites and fewer sites eligible for listing on the NRHP were recorded along the Environmentally Preferred Alternative route.

In addition, Departmental Manual 512, Chapter 2, Departmental Responsibilities for Indian Trust Resources, requires each bureau to identify potential effects of its

activities upon Indian trust resources and mandates meaningful consultation with tribes where activities directly or indirectly affect these resources. NBP-LLC contacted 27 Native American groups whose traditional territories were in or close to the project area of potential effect or who had been identified by the SHPO or another knowledgeable party as having a potential cultural resources concern. NBP-LLC also conducted follow-up meetings, field visits, or discussions with tribes that submitted comments on the project and plans to continue its discussions with Native American groups throughout the construction process. FERC believes that NBP-LLC's continued cooperation with these tribes should address any tribal issues associated with the proposed project.

The Quechan Tribe expressed concern about the Pilot Knob area and requested that the pipeline be located as far as possible from this area. Pilot Knob is located outside of the project area and will not be affected by the project. Other areas of concern were identified by Native Americans and the project was redesigned or rerouted to ensure that those areas would not be affected. NBP-LLC will continue to consult with Native American groups throughout the construction process to ensure that Native American issues are addressed.

Short Term Construction Impacts Will Be Lessened: Impacts associated with construction activities - including disruption in access and emergency service, increases in noise and traffic - were a consideration in this ROD. Construction-related energy and mineral resources impacts have been addressed by including mitigation to ensure that access to mineral extraction operations will be maintained during construction. In addition, mitigation measures have been required to lessen the impacts of construction noise by requiring muffling of equipment and monitoring of blasting activities. Such impacts are also short term and temporary. Coordination with local police and fire departments, and use of warnings and barriers at open trenches, will ensure that construction-related impacts on emergency service providers are mitigated. Short-term traffic impacts due to construction of the NBP Project will be mitigated by a number of measures addressing coordination with local jurisdictions and emergency service providers, traffic assistance and control, and road capacity issues. Mitigation measures have also been required to address potential impacts during construction associated with project facility crossings of existing utilities and accidental damage to such utilities. As previously indicated, air quality impacts during construction will be minimized by a variety of mitigation measures to minimize the amount of exposed soils, require use of dust control methods, regulate disposal of materials,

maintenance of construction equipment and provide ride share and transit incentives.

Paleontological Resources Will Be Protected: Protection of Paleontological resources was a consideration in this ROD. Construction of the NBP Project could affect paleontological resources by directly and/or indirectly damaging, disturbing, or causing a loss of these resources. To address potential impacts on paleontological resources resulting from project construction, NBP-LLC developed a Paleontological Resource Mitigation and Monitoring Plan (PRMM Plan), which is contained in Appendix S of the POD. Implementation of the PRMM Plan would reduce potential impacts on paleontological resources to less than significant levels.

No Significant Cumulative Impacts Are Identified: Public comments and land use plan protests focused on air quality issues in connection with power plant emissions in Mexico. However, cumulative impacts to air quality attributable to Mexican power generation units exporting electricity to the United States, as indicated above in this ROD and in section 5.13 of the EIS/EIR, would not exceed EPA-defined significant impact levels in the United States. Comments received from EPA state that it is seeking to ensure that energy development in the border region promotes domestic and bi-national environmental goals. Toward that end, EPA has initiated discussions with its counterparts in the Mexican government to address these issues.

Cumulative impacts to other resources were also fully addressed in the EIS/EIR, including cumulative impacts to vegetation and wildlife (including special status species), land use, transportation, recreation, visual resources, socioeconomics, cultural resources, and noise. These impacts were found to be either not significant or were mitigated to a less than significant level.

IV. ALTERNATIVES CONSIDERED

The FEIS/EIR considered and analyzed in detail the following alternatives and route variations including the No Action Alternative).

1. Proposed Action — Environmentally Preferable Alternative: The environmentally preferred project is the proposed action with the incorporation of the Eastside Alternative (including the visual variation) and the Cibola Variation.

The rationale for selecting this alternative is discussed in this ROD.

2. Yuma Lateral Alternative

This alternative route would interconnect with El Paso's existing pipeline system near Quartzsite, Arizona, approximately 18 miles east of NBP's proposed interconnection point with El Paso in Ehrenberg, Arizona. The Yuma Lateral Alternative route would follow El Paso's existing lateral pipeline south along a generally similar alignment as State Route 95. The alternative route would cross mainly publicly owned desert land to a point on the east side of Yuma, Arizona. There the alternative route would turn and proceed west through the City of Yuma until it ends at the United States/Mexico border.

As compared to the proposed route, this alternative route is longer, has greater amount of ground disturbance, and has increased impacts to desert, agricultural, commercial/residential, and public lands.

3. Palo Verde Mountains Alternative

This alternative route would deviate from the proposed route at MP 22.3 and proceed south adjacent to an existing electrical transmission line through the Palo Verde Mountains for approximately 13.5 miles before rejoining the proposed route at MP 39.0. The majority of this alternative route would be within the CDCA and all of it would be within designated Utility Corridor J.

The corridor passes through two designated parts of the Palo Verde Mountains Wilderness and the width of Utility Corridor J here is only 100 feet as compared to 2 miles for the remainder of the corridor. NBP-LLC would not be able to place the pipeline through this location because of the limited width, the rugged and steep terrain, and the existence of the transmission line. Consequently, this proposed route was deleted from further consideration.

4. Powerline North Alternative

This alternative route would deviate from the proposed route at MP 51.8 and proceed southeast adjacent to an existing electrical transmission line before rejoining the proposed route at MP 66.8. All of this alternative route would be within CDCA and within designated Utility Corridor J.

Disadvantages of this alternative route as compared to the proposed route are its increased impacts on desert wash habitat, its proximity to a greater number of cultural resources, including resources recommended as eligible or potentially eligible for listing on the NRHP, and its increased number of crossings of large ephemeral washes.

5. Powerline South Alternative

This alternative route would deviate from the proposed route at MP 66.8 and proceed southeast adjacent to an existing electrical transmission line within designated Utility Corridor J, then across designated Utility Corridor L, and then south to the United States/Mexico border.

The disadvantages of this alternative route are its increased impacts on desert habitat, its proximity to Pilot Knob and a greater number of cultural resources, including 28 cultural resources potentially eligible for listing on the NRHP, and its increased number of crossings of large washes.

6. Eastside Alternative

The portion of the proposed route between MPs 35.3 and 48.0 on the west side of State Route 78 would cross the Chuckwalla area, which is designated by the FWS as critical habitat for the desert tortoise. In an effort to reduce impact on the desert tortoise and its habitat, a route alternative was evaluated. This alternative route (including a visual variation) was selected and incorporated into the preferred alternative because of the reduced impact on desert tortoise and its habitat, and its reduced impact on cultural resources recommended as eligible or potentially eligible for listing on the NRHP.

7. Refuge Variations

Three route variations were assessed between MPs 28.6 and 31.9 that would avoid construction in the foothills of the Palo Verde Mountains and reduce the crossing of the Milpitas Wash SMA on public land. Two of the variations, the Cibola and Saddle Variations, follow a completely different route than the proposed route. The other variation, the Connector Variation, follows the same alignment as the proposed route between MPs 28.6 and 30.1, but then deviates and follows a different route from the proposed route for the rest of its length.

Each of the three variations would minimize impacts on biological resources, especially disturbance of desert tortoise habitat. Another major advantage of the Cibola and Saddle Variations includes avoidance of the area of potential landslide/slope instability hazards and elimination of the need to use blasting and aerial crossings in the Palo Verde Mountains foothills. Also both would reduce the amount of public land crossed within the Milpitas Wash SMA. It was determined that the Cibola Variation was environmentally preferable to the proposed route, so it was incorporated into the preferred alternative.

8. Railroad and I-8 Variations

These variations on the south end of the pipeline route between MPs 71.2 and 79.3 were identified to maximize use of designated and contingent utility corridors and existing rights-of-way.

As compared to the proposed route, these variations have increased impacts on desert wash woodland habitat, are closer to Pilot Knob, and would cross a planned 2,345-acre development, which includes housing, commercial, and industrial areas. Consequently, none of the three variations were recommended for adoption.

9. 18th Avenue Alternatives

To address submitted comments, four route alternatives were assessed between MPs 0.0 and 15.0 that would avoid construction within or adjacent to 18th Avenue and minimize disturbance to residents along the road. The portion of the proposed route along 18th Avenue is a rural residential area with scattered houses, farm buildings, and businesses. No public land is affected by this portion of the proposed route. None of the alternatives were determined to be environmentally preferable to the proposed route.

10. No Action Alternative

While the No Action Alternative would eliminate environmental impacts in the project area, it would result in the proposed service area being denied access to 500 million cubic feet of natural gas per day that NBP-LLC proposes to transport. Consequently, the new and existing power plants would need to use more polluting fuels or obtain natural gas from other sources. It was determined that the use of an

alternative source of natural gas would require the construction of new facilities that would have their own set of specific impacts. The use of other existing pipeline systems was evaluated, and no system alternative was found to be both environmentally superior to the proposed facilities and able to meet the project's objectives. Consequently, the No Action Alternative was rejected.

V. PUBLIC INVOLVEMENT

On December 12, 2000, the FERC and the CSLC issued a *Notice of Intent to Prepare a Joint Environmental Impact Statement/Report for the Proposed North Baja Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings* (DOI). The DOI opened the scoping period and briefly described the project, provided a preliminary list of EIS/EIR issues, announced that the BLM would be using the EIS/EIR to consider an amendment to the CDCA Plan, invited written comments, and listed the dates and location of two public meetings. The DOI was sent to 747 interested parties, including Federal, state, and local agencies; elected officials; environmental and public interest groups; native American tribes; affected landowners; local libraries, newspapers, and television stations; and other interested parties. The first meeting was in El Centro, California, on January 10, 2001; the second meeting was in Blithe, California, on January 11, 2001.

On May 22, 2001, the FERC and the CSLC issued a supplement to the December 12, 2000 DOI that announced that BLM would also be using the EIS/EIR to consider an amendment to the Yuma District RMP and requested environmental comments on that issue. BLM followed with a separate notice on June 5, 2001.

The draft EIS/EIR and draft plan amendment was filed with the U.S. Environmental Protection Agency, submitted to the California State Clearinghouse, and mailed to agencies and individuals on the project mailing list. A formal notice of availability was published in the Federal Register, posted in the appropriate County Clerks' offices in California, and mailed to individuals on the project mailing list that did not request the draft EIS/EIR and draft plan amendment. The public was allowed 90 days to review and comment on the draft EIS/EIR and draft plan amendment both in the form of written comments and at two public meetings held in the project area.

The public meetings to receive comments on the draft EIS/EIR and draft plan amendment were held in Blithe, California, on August 22, 2001, and in El Centro, California, on August 23, 2001. Ten speakers made oral statements. Written comments were received from 5 Federal agencies, 5 state agencies, 6 local agencies, 6 companies or organizations, 3 groups or individuals representing native American concerns, 26 others individuals, and the project applicant. The oral and written comments and responses to them are in appendix Q of the FEIS/EIR and proposed plan amendment.

EPA's Notice of Availability of the FEIS/EIR was issued on January 11, 2002. Release of the FEIS/EIR initiated the 30-day protest period. During that period, any person who participated in the planning process and believed they would be adversely affected by the plan amendments had the opportunity to protest the proposed amendment to the Director of the BLM. The protest period closed on February 10, 2002.

Two protests were submitted: one from the County of Imperial, and a second protest from the Border Power Plant Working Group. The issues raised in the protests include: adequacy of project description as a whole; adequacy of the cumulative impact assessment; adequacy of air quality impact assessment in relation to emissions from power plants in Mexico; inconsistencies with the County's "Geothermal and Transmission Element" in reference to utility corridors; BLM's authority to approve rights-of-way for pipelines outside of established corridors; most cost efficient means of meeting energy demand; and the appearance of providing the NBP project a special grant of authority not being offered or provided to other future utilities. The Protestants received detailed responses from the BLM Director/Assistant Director specifying how the issues were addressed in the FEIS/EIR. The responses concluded that the BLM State Directors and Field Managers followed applicable planning procedures, laws, regulations and policies and considered all relevant resource functions and public input in developing the FEIS/EIR and Proposed Plan Amendments. Therefore, no changes in the proposed decision were determined warranted and the Director/Assistant Director dismissed both protests.